

PROCEEDINGS

OF THE

CONVENTION

OF THE

DELAWARE STATE

HELD AT

NEW-CASTLE

ON TUESDAY THE TWENTY-SEVENTH

OF AUGUST, 1776

WILMINGTON,

Printed by JAMES ADAMS, M, DCC, LXXVI

Reprint by THE STAR PUBLISHING CO.—1927.

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EXPLANATORY

The Public Archives Commission has deemed it desirable to have a reprint made of the Proceedings of the first Constitutional Convention held in the State of Delaware on the 27th day of August A. D. 1776.

The Convention, at its adjournment, ordered two hundred copies of the full proceedings printed and distributed among the members of the Convention. The original publication has become exceedingly scarce, less than half a dozen copies being now in existence, as far as known.

The copy from which this reprint was prepared is owned by Judge Richard S. Rodney of New Castle and due acknowledgment of his courtesy in the matter is herewith acknowledged.

HENRY C. CONRAD,
State Archivist.

Dover, Delaware,
October 7, 1927.

PROCEEDINGS
OF THE
CONVENTION
HELD

AT NEW-CASTLE ON TUESDAY THE 27TH OF
AUGUST, 1776, IN PURSUANCE OF A RECOM-
MENDATION OF THE HOUSE OF ASSEMBLY,
MADE AT A SESSION THEREOF IN JULY LAST,
IN THE WORDS FOLLOWING, TO WIT;

"THE House taking into Consideration the Resolution of Con-
gress of the 15th of May last for suppressing all Authority de-
rived from the Crown of Great-Britain, and for establishing a
Government upon the Authority of the People, and the Resolu-
tion of this House of the 15th of June last, in Consequence of
the said Resolution of Congress directing all Persons holding
Offices Civil or Military to execute the same in the Name of this
Government until a new one should be formed; and also the
Declaration of the UNITED STATES OF AMERICA, absolv-
ing from all Allegiance to the British Crown, and dissolving all
Political Connection between them and Great-Britain, lately
published and adopted by this Government as one of those
States, are of Opinion that some speedy Measures should be
taken to form a regular Mode of Civil Polity, and this House
not thinking themselves authorized by their Constituents to
execute this important Work,

"Do Resolve,

"That it be recommended to the good People of the several Coun-
ties in this Government to chuse a suitable Number of Depu-
ties to meet in Convention, there to ordain and declare the fu-
ture Form of Government for this State.

"Resolved also,

"That it is the Opinion of this House, That the said Conven-
tion consist of the Number of Thirty Persons, that is to say,

"Ten for the County of New-Castle; Ten for the County of Kent
 "and Ten for the County of Sussex; and that the Freemen of the
 "said Counties respectively do meet on Monday the nineteenth
 "day of August next, at the usual Places of Election for the
 "County, and then and there proceed to elect the Number of
 "Deputies aforesaid, according to the Directions of several Laws
 "of this Government for regulating Elections of the Members of
 "Assembly, except as to the Choice of Inspectors, which shall be
 "made on the Morning of the Day of Election by the Electors,
 "Inhabitants of the respective Hundreds in each County.

"Resolved also,

"That every Elector shall (if required by one or more of the
 "Judges of the Election) take the following Oath or Affirmation,
 "to wit;

"I A. B. will to the utmost of my Power support and maintain
 "the Independence of this Government, as declared by the Hon-
 "orable Continental Congress.

"Resolved also,

"That it is the Opinion of this House, that the Deputies when
 "chosen as aforesaid shall meet in Convention in the Town of
 "New-Castle on Tuesday the Twenty-seventh Day of the same
 "Month of August, and immediately proceed to form a govern-
 "ment on the Authority of the People of this State, in such Sort
 "as may be best adapted to their Preservation and Happiness."

It appears by the Returns of the Sheriffs and the Inspectors
 of the Counties of New-Castle, Kent and Sussex, that on the 19th
 Day of August instant, at the usual Places of Election for the
 said Counties, the following Gentlemen were chosen to represent
 the said Counties respectively in Convention for the State of the
 Government of the Counties of New-Castle, Kent and Sussex,
 upon Delaware, for the Purpose of ordaining and declaring the
 future Form of Government, to wit;

For New-Castle County.

Nicholas Vandyke,
 Richard Cantwell,
 Alexander Porter,
 John Thompson,
 Abraham Robinson,

For Kent County.

Thomas Collins,
 Charles Ridgely,
 James Sykes,
 Richard Bassett,
 Jacob Stout,

Thomas McKean,
George Read,
John Evans,
John Lea,
John Jones.

John Cook,
Samuel West,
John Clarke,
Thomas White,
Richard Lockwood.

For Sussex County.

Jacob Moore,
James Rensch,
Isaac Bradley,
John Wiltbank,
Isaac Horsey,
William Polk,
Joshua Hill,
Peter Hubbert,
Phillips Kollock,
Alexander Laws.

It also appears by a Return signed by George Adams as Chairman of the Committee of Inspection and Observation for the said County of Sussex, that at an Election held on the Day aforesaid in the several Hundreds of said County, agreeable to certain Resolutions of the said Committee, the following Gentlemen were chosen to represent the said County in Convention, to wit, George Adams, John Jones, Samuel Shelton Sloss, Joseph Foreman, John Dagworthy, William Peery, Burton Waples, David Hall, William Conwell and John Clowes.

And the Names being called over they all appeared except Messrs. Evans, White, Rensch, Bradley, Polk and Hubbert—Sloss, Foreman, Hall and Clowes.

Convention adjourned 'till To-Morrow Morning 10 o'Clock.

Wednesday, A. M. August 28, 1776.

The Convention met—Present the same Persons as on Yesterday, and also Mr. Evans.

The double Return made of Members to represent the County of Sussex in this Convention, was taken into Consideration, and after some Time spent therein the same was deferred 'till To-Morrow.

Convention adjourned 'till To-Morrow Morning 10 o'Clock.

Thursday, A. M. August 29, 1776.

The Convention met—Present the same Persons as on Yesterday, and also Mr. Polk and Mr. Clowes.

The Consideration of the double Return for Sussex County was resumed, and after some Time spent therein, the same was deferred 'till To-Morrow.

Convention adjourned 'till To-Morrow Morning 10 o'Clock.

Friday, A. M. August 30, 1776.

The Convention met—Present the same Persons as on Yesterday.

The Consideration of the double Return for Sussex County was resumed, and thereupon

Resolved,

That the Gentlemen mentioned in the Sheriff's and Inspectors Return for that County be the Sitting Members in this convention.

On Application of Mr. McKean for Leave of Absence a few Days on Account of the Indisposition of his son and Sister, the same was granted.

On Application of Mr. Thompson for Leave of Absence a few Days on Account of the Indisposition of his Wife and Family, the same was granted.

Then the Convention proceeded to the Choice of a President, and George Read, Esq; was unanimously chosen.

The President in the Chair, Mr. James Booth was appointed Clerk—and John Booth Messenger and Door-keeper.

On Motion, Ordered,

That Messrs. Evans, Ridgely, Moore, Sykes and Vandyke, be a Committee to report a Set of Rules for conducting the Business of this Convention.—Adjourned 'till 3 o'clock.

Eodem Die, P. M.

The Convention met.

The Committee appointed to report a Set of Rules for conducting the Business of this Convention, brought in their Report, which by Order was read the first Time.

On Motion, by Special Order,

The same was read the second Time by Paragraphs, and being amended, was agreed to, and follows in these Words, to wit.

RULES TO BE OBSERVED BY MEMBERS OF
CONVENTION DURING THE SITTING THEREOF.

1. That all Members of Convention shall appear at the calling over their respective Names at every Adjournment on Penalty of a Check from the President for every such Default, provided a Quorum be present at any such Calling.
2. That no Member of this Convention shall presume to speak or interrupt any other Member whilst he is speaking, on Pain of suffering a Check from the President for such Offence.
3. That no Member of this Convention shall be suffered or allowed to speak to any one Matter or Thing above three Times, without Licence from the President first had and obtained, unless it be upon a Grand Committee of the whole House; and **that no Person** presume to speak in the House sitting, but direct his Discourse to the President standing, under the Penalty of a Check, &c.
4. That no Member of this Convention go out of the same after Adjournment before the President, on Penalty of a Check, &c. And that no Member go out of the same during the Sitting thereof and continue therout above the Space of half an Hour without the Leave of the House first had and obtained, under the Penalty of Five Shillings.
5. THAT where any Question is put in this Convention that may cause a Debate, the Names of the Members who are for the Affirmative, and also those who are for the Negative, be set down at large upon the Minutes, being first moved for by any one or more of the Members thereof.
6. THAT no Member of this Convention, shall, whilst in the House and during the Sitting thereof, read any Book or printed Paper, on Penalty of a Check from the President.

On Motion,

Ordered,

That Messrs. Evans, Ridgely, Bassett, Moore and Jones, be

a Committee to prepare the Draught of a Test to be taken by the Members of this Convention.

Convention adjourned 'till To-Morrow Morning 10 o'clock.

Saturday, A. M. August 31, 1776.

The Convention met—Present all the Members except Messrs. Thompson, McKean, White, Rench, Bradley and Hubbert.

The Committee appointed to prepare the Draught of a Test to be taken by the Members of this Convention, reported one, which by Order was read the first Time.

On Motion, by Special Order,

The same was read the second Time by Paragraphs, and with some amendments agreed to as Follows, to wit.

1. That each Member of this Convention take the following Oath or Affirmation; that is to say;

I A. B. will to the utmost of my Power support and maintain the Independence of this State as declared by the Honorable the Continental Congress; and I will to the utmost of my Ability endeavor to form such a System of Government for the People of this State as in my Opinion may be best adapted to promote their Happiness and secure to them the Enjoyment of their natural, civil and religious Rights and Privileges.

2. THAT every Member make and subscribe the following Declaration, to wit.

I A. B. do profess Faith in God the Father, and In Jesus Christ his only Son, and in the Holy Ghost, one God blessed for evermore.

Then the President in the Chair, and afterwards the Members present, took and subscribed the same.

James Booth took and subscribed a Qualification for the faithful Execution of the Office of Clerk of the Convention, and that he will not disclose or reveal the Secrets thereof.

On Motion,

Resolved,

That a Quorum of this House shall consist of Twenty Members including the President.

The President laid on the Table a Letter addressed from the War-Office at Philadelphia, requesting that Lists of all Prisoners

in this State, and of all Officers of Continental Troops raised therein, their Ranks, and dates of Commissions, &c. be transmitted to the said Office, which was read; and thereupon

Ordered

That the President transmit an Answer to the same.

On Motion, Ordered,

That Messrs. Vandyke, West, Sykes, Moore and Porter, be a Committee to enquire into the State of the Battalion now raising in this Government for the Flying-Camp, and to devise Ways and Means for their speedy Equipment and March; and that the President by Letter request the immediate Attendance of Colonel Patterson, the Commanding Officer of that Battalion, on the said Committee.

On Application of Mr. Lea and Mr. Cook for Leave of Absence 'till Monday afternoon, the same was granted.

Adjourned 'till 3 o'Clock.

Eodem Die, P. M.

The Convention met.

The Committee appointed to enquire into the State of the Battalion now raising in this Government for the Flying-Camp, &c. brought in their Report, which by Order was read the first time.

On Motion, by special Order,

The same was read the second Time, and thereupon

Resolved,

That the Sum of Six Hundred Pounds be borrowed upon the Credit of this Government, and that the President sign Certificates to the Person or Persons lending the same.

Resolved also,

That this Convention will devise Ways and Means for the Repayment to the Lender or Lenders thereof.

Resolved,

That the said Sum of Six Hundred Pounds be put into the Hands of Colonel Patterson for the purchasing of Blankets, Bayonets, and the Payment of the Quarters of the Soldiers in his Battalion, provided before their March, and that Colonel Patterson be accountable for the Expenditure thereof.

Resolved,

That the Council of Safety for Kent County, do deliver sixty-eight of the Public Arms of that County, to such persons as Colonel Patterson shall direct to receive the same, taking a Certificate of such Delivery, and this Convention will provide for the Re-delivery or replacing of the same Arms at the End of the present Campaign.

Ordered,

That the President write to General Rodney to Recommend William Millan to the Continental Congress for the Place of Paymaster of Colonel Patterson's Battalion.

Convention adjourned till Monday 3 o'Clock P. M.

Monday, P. M. September 2, 1776.

The Convention met—Present all the Members, except Messrs. Vandyke, Cantwell, Thompson, Robinson, McKean, Collins, Cook, White, Bradley and Hubbert.

Mr. Rench appeared in the House, took and subscribed the Oath and Declaration aforesaid, and then made his Excuse for Non-attendance, which was admitted.

On Motion,

Resolved,

That Mr. President, Mr. Bassett, Mr. Moore, Mr. Ridgely, Mr. Evans, Mr. Porter, Mr. Sykes, Mr. Jones, Mr. Rench and Mr. Polk, be a Committee to prepare a Declaration of Rights and Fundamental Rules of this State.

Convention adjourned 'till To-Morrow Morning 10 o'Clock.

Tuesday, A. M. September 3, 1776.

The Convention met, and adjourned from Day to Day 'till Thursday the 5th Instant 3 o'Clock P. M.

Thursday, P. M., September 5, 1776

The Convention met—Present all the Members except Messrs. Thompson, McKean, Evans, Ridgely, White, Bradley, and Hubbert.

The President laid on the Table a Letter addressed from the Honorable John Hancock, President of Congress, inclosing sundry Resolutions of Congress, which were read, and thereupon

Ordered,

That Messrs. Robinson, Vandyke, Sykes, Jones and Moore, be a Committee to take into Consideration the said Letter and Resolutions, and Report thereupon.

The President informed the House, that the Committee appointed to prepare the Declaration of Rights and Fundamental Rules of this State had made some Progress therein, and craved longer Time for the Completion thereof—which was granted.

On Motion,

Ordered,

That Mr. Vandyke be added to the last mentioned Committee. Convention adjourned 'till To-Morrow Morning 10 o'Clock.

Friday, A. M. September 6, 1776.

The Convention met—Present all the Members except Messrs. Thompson, Ridgely, White, Bradley and Hubbert.

Mr. McKean appeared in the House, and took and subscribed the Oath and Declaration aforesaid.

The Committee appointed to take into Consideration the aforesaid Resolutions of Congress, and the Letter from the President thereof, now brought in their Report, which by Order was read the first Time.

On Motion, by special Order,

The Same was read the second Time, and after some Time spent in Consideration thereof was deferred until the Afternoon.

Adjourned 'till 3 o'Clock.

Eodem Die, P. M.

The Convention met.

On Motion, of Mr. McKean,

Resolved unanimously,

That the following Words be added to the Profession of Faith made by the Members of this House respectively, to wit, "And I do acknowledge the Holy Scriptures of the Old and New Testament to be given by divine Inspiration."

The House resumed the Consideration of the Report of the Committee to whom the Resolutions of Congress and the Letter from the President thereof were referred, and thereupon

Resolved,

1. That the Independent Company of this State, stationed at the Fort on Christiana-Creek, be added to Colonel Patterson's Battalion of the Flying-Camp, and ordered to join said Battalion forthwith; that they receive the same Pay and Rations, and be subject to the same Rules and Regulations as the other Companies of the said Battalion, and that the Officers take Rank therein according to the Dates of their respective Commissions.

2. That the President write to Colonel Patterson to issue his Orders to Mr. Nathaniel Mitchell of Sussex County, elected a Captain in his Battalion, that he immediately march his Company, or such Part thereof as may be raised, to join the Battalion, together with such of the Officers of the said Company as the Colonel may think fit.

3. That the Council of Safety for Kent County do deliver sixty-eight more of the public Arms of that County to such persons as Colonel Patterson shall direct to receive the same, taking a Certificate of such Delivery, and this or some future Convention will provide for the Re-delivery or re-placing of the same Arms at the End of the present Campaign.

Convention adjourned 'till To-Morrow Morning 10 o'Clock.

Saturday, A. M. September 7, 1776.

The Convention met--present all the Members, except Messrs. Thompson, Ridgely, White, Bradley, and Hubbert.

On Motion, Ordered,

That the President write to General McKinly, desiring his Attendance on this Convention next Monday Morning, to lay before them a State of the public Money in his Hands as Military Treasurer for the County of New-castle; and also to Richard McWilliam, Esq.; the Trustee of the Loan-Office of the said County, requesting his Attendance at that Time, to inform the House of the State of the Interest Monies belonging to the Public.

It appearing to the Convention, that John Evans, Esq.; a Member of this House, has advanced to Colonel Samuel Patterson the Sum of Six Hundred Pounds lawful Money of this State, on the second Day of this Instant September, in Consequence of a Resolution of this House made on the thirty-first Day of Au-

gust last, and he having proposed to accept Five per Cent. Interest for the same until it is repaid;

Resolved,

That this State be chargeable with, and the same is hereby charged with the said Six Hundred Pounds, to be paid to the said John Evans, his Executors, Administrators or Assigns, with Interest at the Rate of Five per Cent. until the same be re-paid:

The Convention resumed the Consideration of the Report of the Committee to whom the Resolutions of Congress, &c. were referred, and after some Time spent therein, the same was deferred for further Consideration.

On Motion, Ordered,

That Mr. McKean be added to the Committee for preparing the Declaration of Rights and Fundamental Rules of this State.

On Motion, Resolved,

That Mr. President, Mr. Bassett, Mr. Moore, Mr. Ridgely, Mr. Evans, Mr. Porter, Mr. Sykes, Mr. Jones, Mr. Rench, Mr. Polk, Mr. Vandyke, Mr. McKean and Mr. Robinson, be a committee for framing a Constitution or System of Government for this State.

On Application of Mr. Collins for Leave of Absence until Monday Evening—same was granted.

Convention adjourned 'till Monday Morning 10 o'Clock.

* * * * *

Monday, A. M. September 9, 1776.

The Convention met, and adjourned 'till To-Morrow Morning 10 o'Clock.

Tuesday, A. M. September 10, 1776.

The Convention met—Present all the Members except Messrs. Van Dyke Cantwell, Thompson, Ridgely, Stout, White, Bradley and Hubbert.

General McKinly attending in Consequence of the Order of Saturday last, was admitted, and informed the Convention of the State of the public Money in his Hands as Military Treasurer; and also of the State of the public Arms in the County of New-Castle.

George Latimer, Captain of the Independent Company, laid before the Convention a State of the said Company.

Richard McWilliam, Esq.; the Trustee of the Loan-Office of New-Castle County, delivered in Writing a State of the Interest Money of the said Office, which was read, and ordered to lie on the Table.

Adjourned 'till 3 o'Clock.

Eodem Die, P. M.

The Convention met.

On Motion, Resolved,

That Jonathan Rumford, jun. Second Lieutenant in the Independent Company of this State, be and he is hereby promoted to the Rank of First Lieutenant in the said Company.

That the Resignation made by Samuel Shipley of his Commission as Fourth-Lieutenant in the said Company be accepted.

That John Rhodes, Ensign, be and he is hereby promoted to the Rank of Second-Lieutenant in the said Company.

That Daniel Powel Cox, First Sergeant in the said Company, be and he is hereby promoted to the Rank of Ensign in the said Company—and that Commissions issue to them accordingly, to be signed by the President.

On Motion, Ordered,

That Mr. Robinson, Mr. Sykes and Mr. Collins, be a Committee to adjust and settle the Accounts of Captain Latimer, &c. respecting the Fort on Christiana-Creek, and the Independent Company stationed there.

On Motion, Resolved,

That it be recommended to that Branch of the Council of Safety residing in the County of New-castle who contracted with Jonathan Rumford, jun. and Company, for the Importation of Arms and Ammunition, to refer the Adjustment of the Accounts of that Voyage to any three Merchants, to be chosen by the contracting Parties.

Whereas it is provided by an Act of Assembly, that on the fifteenth Day of September in every Year, unless the same should be Sunday, and in such Case, on the Day following, an Assessor and Inspector, shall be chosen in every Hundred within the Colony; and the first Day of October next, as Representatives with

*whereas an inspector cannot be necessary to attend any Election on

the Powers formerly exercised cannot then be chosen consistent with the Declarations of the Honorable the Continental Congress, and also of the late House of Assembly of this Colony for the forming a new Government,

Resolved,

That no Election of Inspectors or Representatives in Assembly ought to be made until this Convention shall compleat the framing the Constitution or System of Government which they were specially appointed by the Freemen of this State to establish, nor until they shall fix the Time and Manner of carrying the same into Execution.

Ordered,

That Copies of this Resolution be transmitted to the Sheriffs of the respective Counties of this State, and that the said Sheriffs serve each of the Collectors, of the several Hundreds of the County in which he resides, with a Copy of the same.

Convention adjourned till To-Morrow Morning 10 o'Clock.

Wednesday, A. M. September 11, 1776.

The Convention met—Present all the Members except Messrs. Vandyke, Cantwell, Thompson, Lea, Ridgely, Stout, White, Bradley, and Hubbert.

The Committee appointed to prepare the Declaration of Rights and Fundamental Rules of this State, now reported a Draught, which they submitted to the Correction of the House.

On Motion, by Order,

The same was read the first Time.

On Motion, by special Order,

The Same was read the second Time by Paragraphs, and being debated and amended was agreed to, and follows in these Words, to wit.

A DECLARATION OF RIGHTS AND FUNDAMENTAL RULES OF THE DELAWARE STATE, FORMERLY STILED, THE GOVERNMENT OF THE COUNTIES OF NEW-CASTLE, KENT AND SUSSEX, UPON DELAWARE.

1. THAT all Government of Rights originates from the People, is founded in Compact only, and instituted solely for the Good of the Whole.

2. THAT all Men have a natural and unalienable Right to worship Almighty God according to the Dictates of their own Consciences and Understandings; and that no Man ought or of Right can be compelled to attend any religious Worship or maintain any Ministry contrary to or against his own free will and Consent; and that no Authority can or ought to be vested in, or assumed by any Power whatever that shall in any Case interfere with, or in any Manner controul the Right or Conscience in the free Exercise or Religious Worship.

3. THAT all Persons professing the Christian Religion ought forever to enjoy the equal Rights and Privileges in this State, unless, under Colour of Religion, any Man disturb the Peace, the Happiness or Safety of Society.

4. That the People of this State have the sole exclusive and inherent Right of governing and regulating the internal Police of the same.

5. That Persons intrusted with the Legislative and executive Powers are the Trustees and Servants of the Public, and as such accountable for their Conduct; wherefore whenever the Ends of Government are perverted, and public Liberty manifestly endangered by the Legislative singly, or a treacherous Combination of both, the People may, and of Right ought to establish a new, or reform the old Government.

6. That the Right in the People to participate in the Legislature, is the Foundation of Liberty and of all free Government, and for this End all Elections ought to be free and frequent, and every Freeman, having sufficient Evidence of a permanent common Interest with, and Attachment to the Community, hath a Right of Suffrage.

7. That no Power of suspending Laws, or the Execution of Laws, ought to be exercised unless by the Legislature.

8. That for Redress of Grievances, and for amending and strengthening of the laws, the Legislature ought to be frequently convened.

9. THAT every Man hath a Right to petition the Legislature for the Redress of Grievances in a peaceable and orderly Manner.

10. THAT every Member of Society hath a Right to be protected in the Enjoyment of Life, Liberty and Property, and there-

fore is bound to contribute his Proportion towards the Expence of that Protection, and yield his personal Service when necessary, or an Equivalent thereto; but no Part of a Man's Property can be justly taken from him or applied to public Uses without his own Consent or that of his legal Representatives: Nor can any Man that is conscientiously scrupulous of bearing Arms in any Case be justly compelled thereto if he will pay such Equivalent.

11. THAT retrospective Laws, punishing Offences committed before the Existence of such Laws, are oppressive and unjust, and ought not to be made.

12. THAT every Freeman for every Injury done him in his Goods, Lands or Person, by any other Person, ought to have Remedy by the Course of the Law of the Land, and ought to have Justice and Right for the Injury done to him freely without Sale, fully without any Denial, and speedily without Delay, according to the Law of the Land.

13. THAT Trial by Jury of Facts where they arise is one of the greatest Securities of the Lives, Liberties and Estates of the People.

14. THAT in all Prosecutions for criminal Offences, every Man hath a Right to be informed of the Accusation against him, to be allowed Counsel, to be confronted with the Accusers or Witnesses, to examine Evidence on Oath in his Favour, and to a speedy Trial by an impartial Jury, without whose unanimous Consent he ought not to be found Guilty.

15. THAT no Man in the Courts of common Law ought to be compelled to give Evidence against himself.

16. THAT excessive Bail ought not to be required, nor excessive Fines imposed, nor cruel or unusual Punishments inflicted.

17. THAT all Warrants without Oath to search suspected Places, or to seize any Person or his Property, are grievous and oppressive; and all general Warrants to search suspected Places, or to apprehend all Persons suspected, without naming or describing the Place or any Person in special, are illegal and ought not to be granted.

18. THAT a well regulated Militia is the proper, natural and safe Defence of a free Government.

19. THAT standing Armies are dangerous to Liberty, and ought not to be raised or kept up without the Consent of the Legislature.

20. THAT in all Cases and at all Times the Military ought to be under strict Subordination to and governed by the Civil Power.

21. THAT no Soldier ought to be quartered in any House in Time of Peace without the Consent of the Owner; and in Time of War in such Manner only as the Legislature shall direct.

22. THAT the Independency and Uprightness of Judges are essential to the impartial Administration of Justice, and a great Security to the Rights and Liberties of the People.

23. THAT the Liberty of the Press ought to be in inviolably preserved.

On Motion,
Ordered,

That Mr. McKean, Mr. Collins, and Mr. Wiltbank, be a Committee to receive the Proposals of Duncan Beard for erecting a Gun-Lock Manufactory in this State, and to report the same and their Opinion thereon.

Convention adjourned till To-Morrow 3 o'Clock P. M.

Thursday, P. M., September 12, 1776.

The Convention met—Present all the Members except Messrs. Cantwell, Ridgely, Stout, White, Bradley and Hubbert.

Mr. Thompson appeared in the House, and took and subscribed the Oath and Declaration aforesaid.

The Committee appointed to examine the Accounts of Captain George Latimer, &c. respecting the Fort on Christiana Creek and the Independent Company under his Command, now brought in their Report, which by Order was read the first Time.

On Motion, by special Order,

The same was read the second time by Paragraphs, and being considered was agreed to, and is as follows, to wit,

THAT Captain Latimer has expended in the purchasing Materials for the Fort on Christiana Creek, Payment of the Workmen, &c. the Sum of Four Hundred and Twenty Pounds,

Nineteen Shillings and Threepence Half-penny, for which there is sufficient Vouchers.

That the Pay of the Officers and Privates in the said Independent Company, including their Rations, to the 13th of May last, when a Commissary was appointed, and the Allowance of Seven Shillings and Six-pence for inlisting each Soldier, amounts to the Sum of One Thousand and Twenty-eight Pounds, Thirteen Shillings and Seven-pence Half-penny.

That Captain Latimer has expended for the repairing Arms and in Payment of the Doctor's Bill for Attendance, &c. on the sick Soldiers, the Sum of Twenty-three Pounds, for which there is sufficient Vouchers.

That Captain Latimer has received at sundry Times from Brigadier General McKinly the Sum of Eight Hundred Pounds in part Discharge of the foregoing Disbursements.

The Committee further Report, that they have taken into Consideration an additional Account exhibited by Captain Latimer, for Monies by him expended in the Purchase of Blankets, Brushes, Priming-Wires, &c. amounting to Thirty-six Pounds Five Shillings and Two-pence, which they are of Opinion ought to be allowed, and that the Balance now due to Captain Latimer is Seven Hundred and Twenty-two Pounds Two Shillings and Four-pence, exclusive of an Article of Twenty-seven Pounds for Labour done at the Fort, which he is willing should remain undetermined until he can produce Vouchers for the Payment of the same.

That Captain Peter Jaquet's Account of Materials, by him provided for the said Fort, Amounts to Twenty-two Pounds Five Shillings and One Penny, and for his Care and Trouble in Planning and Superintending said Work Twenty Pounds Five Shillings, and for Liquor given the Men, One Pound Ten Shillings. Amounting in the Whole of Forty-four Pounds and one Penny.

Ordered,

That Captain Latimer, deduct from the Pay of such of the Soldiers in his Company to whom he delivered the Blankets charged in the Account exhibited by him to this Convention and allowed, the Sum of Forty-eight Pounds Fifteen Shillings, and that he hereafter account for the same.

Mr. Thompson applied for Leave of Absence, which was granted.

On Motion,

Resolved,

That an Order be draw on the Military Treasurer of Kent County for the Sum of Five Hundred Pounds in Favour of Captain George Latimer, towards discharging the Sum due to him from this State.

Resolved,

That the Sum of Five Hundred Pounds be borrowed on the Credit of this State for discharging the Remainder of Captain Latimer's Demand, and for other public Purposes.

A Petition from John and Joseph Booth of the Town of New-castle, setting forth, that Thomas Booth, the Son of the said John, had inlisted in Captain Dunn's Company, belonging to Colonel Patterson's Battalion; that the said Thomas then was and still is an Apprentice to Joseph Booth, one of the Petitioners, and a principal Workman in his Tanyard; that the Petitioner John had invested all his Property in Hides, which for want of the Service of the said Thomas he will probably lose, &c. and praying the Discharge of the said Thomas in such Manner as this Convention shall think proper; was presented to the Chair, and by Order read the first time.

On Motion, by special Order,

The same was read the second Time; and thereupon

Resolved,

That the said Thomas Booth be, and he is hereby discharged from his Inlistment in Captain James Dunn's Company, of Colonel Patterson's Battalion aforesaid, upon Payment of all necessary Charges, (except Pay and Subsistence) if any such Charge have accrued.

The President laid before the House a Letter he had received by Express from Colonel Patterson, which by Order was read, and

On Motion,

Resolved,

That it be recommended to the Members of the Committees of Inspection and Observation for the Counties of New-castle and Kent, to be aiding and assisting to Lieutenants Alexander,

McClann and McCannon, of Colonel Patterson's Battalion, procuring one hundred and forty Blankets for the Use of the said Battalion forthwith they paying for the same such reasonable Prices as shall be ascertained by any one of the Members of the said Committees.

Convention adjourned 'till To-Morrow Morning 10 o'Clock.

Friday, A. M., September 13, 1776.

The Convention met; and adjourned 'till To-Morrow 3 o'Clock P. M.

Saturday, P. M. September 14, 1776.

The Convention met—present all the Members, except Messrs. Cantwell, White, Bradley and Hubbert.

The President laid on the Table the Report of the Committee appointed to frame a Constitution or System of Government for this State, which was read, and ordered to lie on the Table.

The Convention being informed, that about Four Thousand Five Hundred Pounds of the £30,000 lately issued in Bills of Credit in this State, remain in the Loan-Office of Kent County unsigned by Boaz Manlove, one of the Persons appointed for the Purpose, whereby a considerable Loss hath accrued to the Public by this Neglect; Therefore

Resolved,

That James Sykes, Esq.; sign the said Bills of Credit unsigned by the said Boaz Manlove.

Convention adjourned 'till To-Morrow Morning 10 o'Clock.

Sunday, A. M. September 15, 1776.

The Convention met—Present all the Members except Messrs. Cantwell, Stout, White, Bradley and Hubbert.

On Motion, by Order,

The Report of the Committee for framing the Constitution or System of Government was read the second Time, and after some Debate the same was Recommitted.

Convention adjourned 'till To-Morrow 3 o'Clock P. M.

Monday, P. M. September 16, 1776.

The Convention met—Present all the Members except Messrs. Cantwell, White, Bradley, and Hubbert.

The Committee for framing the Constitution or System of Government prayed longer Time for the Completion thereof, which was granted.

Convention adjourned 'till To-Morrow 3 o'Clock P. M.

Tuesday, P. M. September 17, 1776.

The Convention met—Present all the Members except Messrs. Cantwell, Jones, White, Bradley and Hubbert.

The Committee for framing the Constitution or System of Government made their Report, which by Order was read, and the Consideration thereof deferred 'till To-Morrow.

Convention adjourned 'till To-Morrow Morning 9 o'Clock.

Wednesday, A. M. September 18, 1776.

The Convention met—Present all the Members except Messrs. Cantwell, White, Bradley and Hubbert.

The House resumed the Consideration of the Report of the Committee for framing the Constitution or System of Government, and the same being read by Paragraphs from the 1st to the 7th Article inclusive, and being debated and amended, was agreed to.

Adjourned 'till 3 o'Clock.

Eodem Die, P. M.

The Convention met.

The House resumed the Consideration of the Report of the Committee for framing the Constitution or System of Government, and the same being read by paragraphs from the 9th to the 25th Article inclusive, and being debated and amended was agreed to.

Convention adjourned 'till To-morrow Morning 9 o'Clock.

Thursday, A. M. September 19, 1776.

The Convention met—Present all the Members except Messrs. Cantwell, White, Bradley and Hubbert.

The House resumed the Consideration of the Report of the Committee for framing the Constitution or System of Government, and the same being read and debated by Paragraphs from the 26th. to the 30th Article inclusive, and amended, was agreed to.

On Motion of Mr. McKean,

That the Yeas and Nays on a Question for expunging the two last parts of the 29th Article of the Constitution, be entered on the Minutes, the same was ordered, and are as follow, to wit.

For the Negative.

Mr. West,
Mr. Clarke,
Mr. Kollock,
Mr. Polk,
Mr. Laws,
Mr. Lea,
Mr. Rench,
Mr. Horsey,
Mr. Lockwood,
Mr. Jones,
Mr. Hill,
Mr. Robinson,
Mr. Stout,
Mr. Collins,
Mr. Bassett,
Mr. Ridgely,
Mr. Sykes,
Mr. Moore,
Mr. Cook,
Mr. Wiltbank.

For the Affirmative.

Mr. McKean,
Mr. Porter,
Mr. Thompson,
Mr. Vandyke,
Mr. Evans.

On Application of Mr. Ridgely for Leave of Absence on Account of the Indisposition of his Family, the same was granted.

On Application of Mr. Vandyke for Leave of Absence until To-Morrow, the same was granted.

Adjourned 'til 3 o'clock.

Eodem Die, P. M.

The Convention met.

The House resumed the Consideration of the 8th Article of the Constitution or System of Government, not heretofore agreed

to, and after some Debate thereon the same was deferred till To-Morrow.

The House resumed the Consideration of the Report of the Committee to whom the Resolutions of Congress and the Letter from the President thereof were referred, and thereupon

Resolved,

That one Battalion of the Militia of this State be raised to reinforce the Army of the United States of America--and that Mr. McKean and Mr. West, Mr. Polk, M. Collins and Mr. Moore, be a Committee to devise Ways and Means for raising and forming the said Battalion.

Convention adjourned till To-morrow-Morning 9 o'Clock.

Friday, A. M. September 20, 1776:

The Convention met--Present all the Members except Messrs. Cantwell, Ridgely, Cook, Clerk, White, Bradley, Horsey, and Hubbert.

The Committee appointed to devise Ways and Means for raising and forming a Battalion of the Militia of this State, to reinforce the Army of the United States of America, brought in their Report, which by Order was read the first Time.

The House resumed the Consideration of the 8th Article of the Report of the Committee for framing the Constitution or System of Government, and the same being debated and amended was agreed to; and upon the Question, the whole Report was approved, and follows in these Words, to wit.

THE CONSTITUTION OR SYSTEM OF GOVERNMENT, AGREED TO AND RESOLVED UPON BY THE REPRESENTATIVES IN FULL CONVENTION OF THE DELAWARE STATE, FORMERLY STILED THE GOVERNMENT OF THE COUNTIES OF NEW-CASTLE, KENT AND SUSSEX, UPON DELAWARE, THE SAID REPRESENTATIVES BEING CHOSEN BY THE FREEMEN OF THE SAID STATE FOR THAT EXPRESS PURPOSE.

Article 1. The Government of the Counties of New-Castle, Kent and Sussex, upon Delaware, shall hereafter in all Public And other Writings be called, THE DELAWARE STATE.

2. THE Legislature shall be formed of two distinct Branches—
They shall meet ~~once~~ or oftener in every Year, and shall be
called, THE GENERAL ASSEMBLY OF DELAWARE.

3. One of the Branches of the Legislature shall be called, THE
HOUSE OF ASSEMBLY, and shall consist of seven Represen-
tatives, to be chosen for each County annually of such Persons
as are Freeholders of the same.

4. The other Branch shall be called, THE COUNCIL, and con-
sist of nine Members, three to be chosen for each County at the
Time of the first Election of the Assembly, who shall be Free-
holders of the County for which they are chosen, and be upwards
of twenty-five Years of Age. At the End of one Year after the
General Election, the Counsellor who had the smallest Number
of Votes in each County shall be displaced, and the Vacancies
thereby occasioned supplied by the Freemen of each County
choosing the same or another Person at a new Election in Man-
ner aforesaid. At the End of two Years after the first General
Election, the Counsellor who stood second in Number of Votes
in each County shall be displaced and the Vacancies thereby
occasioned supplied by a new Election in Manner aforesaid. And
at the End of three Years from the first general Election, the
Counsellor who had the greatest Number of Votes in each Coun-
ty shall be displaced, and the Vacancies thereby occasioned sup-
plied by a new Election in Manner aforesaid. And this Rotation
of a Counsellor being displaced at the End of three Years in
each County and his Office supplied by a new Choice, shall be
continued afterwards in due Order annually forever, whereby,
after the first general Election a Counsellor will remain in Trust
for three Years from the Time of his being elected, and a Coun-
sellor will be displaced, and the same or another chosen in each
County at every Election.

5. THE Right of Suffrage in the Election of Members for both
Houses shall remain as exercised by Law at present; and each
House shall choose its own Speaker, appoint its own Officers,
judge of the Qualifications and Elections of its own Members,
settle its own Rules of Proceedings and direct Writs of Election
for supplying intermediate Vacancies. They may also severally
expel any of their own Members for Misbehaviour, but not a
second Time in the same Sessions for the same Offence, if re-
elected; and they shall have all other Powers necessary for the
Legislature of a free and Independent State.

6. ALL Money-Bills for the Support of Government shall originate in the House of Assembly, and may be altered, amended or rejected by the Legislative Council. All other Bills and Ordinances may take Rise in the House of Assembly or Legislative Council, and may be altered, amended or rejected by either.

7. A PRESIDENT, or Chief Magistrate shall be chosen by joint Ballot of both Houses, to be taken in the House of Assembly, and the Box examined by the Speaker of each House in the Presence of the other Members, and in Case the Numbers for the two highest in Votes should be equal, then the Speaker of the Council shall have an additional casting Voice, and the Appointment of the Person who has the Majority of Votes shall be entered at large on the Minutes and Journals of each House, and a Copy thereof on Parchment, certified and signed by the Speaker respectively, and sealed with the Great-Seal of the State, which they are hereby authorized to affix, shall be delivered to the Person so chosen President, who shall continue in that Office three Years and until the Sitting of the next General Assembly and no longer, nor be eligible until the Expiration of three Years after he shall have been out of that Office. An adequate but moderate Salary shall be settled on him during his continuance in Office.—He may draw for such Sums of Money as shall be appropriated by the General Assembly, and be accountable to them for the same.—He may by and with the Advice of the Privy-Council lay Embargoes or prohibit the Exportation of any Commodity for any Time not exceeding thirty Days in the Recess of the General Assembly.—He shall have the Power of granting Pardons or Reprieves, except where the Prosecution shall be carried on by the House of Assembly, or the Law shall otherwise direct, in which Cases no Pardon or Reprieve shall be granted but by a Resolve of the House of Assembly:—And may exercise all the other executive Powers of Government, limited and restrained as by this Constitution is mentioned, and according to the Laws of the State. And on his Death, inability or Absence from the State, the Speaker of the House of Assembly shall have the Powers of a President until a new Nomination is made by the General Assembly.

8. A PRIVY-COUNCIL consisting of four Members shall be chosen by Ballot, two by the Legislative Council, and two by the House of Assembly: Provided, that no regular Officer of the

^{*}Of the Legislative Council for the Time being shall be Vice-President, and in case of his Death, Inability or absence from the State.

Army or Navy in the Service and Pay of the Continent, or of this, or any other State shall be eligible. And a Member of the Legislative Council or of the House of Assembly being chosen of the Privy-Council and accepting thereof shall thereby lose his Seat. Three Members shall be a Quorum, and their Advice and Proceedings shall be entered of Record and signed by the Members present, (to any Part of which any Member may enter his Dissent) to be laid before the General Assembly when called for by them. Two Members shall be removed by Ballot, one by the Legislative Council and one by the House of Assembly at the End of two Years, and those who remain the next Year after, who shall severally be ineligible for the three next Years. These Vacancies as well as those occasioned by Death or Incapacity shall be supplied by new Elections in the same Manner. And this Rotation of a Privy-Counsellor shall be continued afterwards in due Order annually forever. The President may by Summons convene the Privy-Council at any Time when the Public Exigences may require, and at such Place as he shall think most convenient, when and where they are to attend accordingly.

9. THE president, with the Advice and Consent of the Privy-Council, may embody the Militia, and act as Captain-General and Commander in Chief of them and the other Military Force of this State under the Laws of the same.

10. EITHER House of the General Assembly may adjourn themselves respectively. The President shall not prorogue, adjourn, or dissolve the General Assembly, but he may with the Advice of the Privy-Council or on the Application of a Majority of either House, call them before the Time they shall stand Adjourned, and the two Houses shall always sit at the same Time and Place, for which Purpose immediately after every adjournment the Speaker of the House of Assembly shall give Notice to the Speaker of the other House of the Time to which the House of Assembly stands adjourned.

11. THE DELEGATES FOR DELAWARE to the Congress of the UNITED STATES OF AMERICA shall be chosen annually, or superseded in the mean Time, by joint Ballot of both Houses in the General Assembly.

12. THE President and General Assembly shall by joint Ballot appoint three Justices of the Supreme Court for the State, one of whom shall be Chief-Justice, and a Judge of Admiralty, and also four Justices of the Courts of Common Pleas and Orphans

Courts for each County, one of whom in each Court shall be stiled Chief Justice, (and in Case of Division on the Ballot, the President shall have an additional casting Voice), to be commissioned by the President under the Great-Seal, who shall continue in Office during good Behaviour; and during the Time the Justices of the said Supreme Court and Courts of Common Pleas remain in Office they shall hold none other except in the Militia. —Any one of the Justices of either of said Courts shall have Power in Case of the non-coming of his brethren to open and adjourn the Court. An adequate fixed but moderate Salary shall be settled on them during their Continuance in Office. The President and Privy-Council shall appoint the Secretary, the Attorney-General, Registers for the Probate of Wills and granting Letters of Administration, Registers in Chancery, Clerks of the Courts of Common-Pleas and Orphans Courts, and Clerks of the Peace, who shall be commissioned as aforesaid and remain in Office during five Years, if they behave themselves well; during which Time the said Registers in Chancery and Clerks shall not be Justices of either of the said Courts of which they are Officers, but they shall have Authority to sign all Writs by them issued, and take Recognizances of Bail. The Justices of the Peace shall be nominated by the House of Assembly, that is to say, They shall name twenty-four Persons for each County, of whom the President, with the Approbation of the Privy-Council, shall appoint twelve, who shall be commissioned as aforesaid, and continue in Office during seven Years, if they behave themselves well; and in Case of Vacancies, or if the Legislature shall think proper to increase the Number, they shall be nominated and appointed in like Manner. The Members of the Legislative and Privy-Councils shall be Justices of the Peace for the whole State, during their Continuance in Trust, and the Justices of the Courts of Common Pleas shall be conservators of the Peace in their respective Counties.

13. THE Justices of the Courts of Common-Pleas and Orphans Courts shall have the Power of holding Inferior Courts of Chancery as heretofore, unless the Legislature shall otherwise direct.

14. THE Clerks of the Supreme Court shall be appointed by the Chief Justice thereof, and the Recorders of Deeds by the Justices of The Courts of Common-Pleas for each County severally, and commissioned by the President under the Great-Seal, and continue in Office five Years, if they behave themselves well.

15. THE Sheriffs and Coroners of the respective Counties shall be chosen annually as heretofore; and any Person having served three Years as Sheriff shall be ineligible for three Years after; and the President and Privy-Council shall have the Appointment of such of the two Candidates returned for said Offices of Sheriff and Coroner as they shall think best qualified, in the same Manner that the Governor heretofore enjoyed this Power.

16. THE General Assembly by joint Ballot shall appoint the Generals and Field-Officers, and all the other Officers in the Army or Navy of this State. And the President may appoint during Pleasure, until otherwise directed by the Legislature, all necessary Civil Officers not herein before mentioned.

17. THERE shall be an Appeal from the Supreme Court of Delaware in Matters of Law and Equity to a Court of seven Persons, to consist of the President for the Time being, who shall preside therein, and six others, to be appointed, three by the Legislative Council and three by the House of Assembly, who shall continue in Office during good Behaviour, and be commissioned by the President under the Great-Seal; which Court shall be stiled, The Court of Appeals, and have all the Authority and Powers theretofore given by Law in the last Resort to the King in Council under the old Government. The Secretary shall be the Clerk of this Court, and Vacancies therein occasioned by Death or Incapacity shall be supplied by new Elections in Manner aforesaid.

18. THE Justices of the Supreme Court and Courts of Common-Pleas, the Members of the Privy-Council, the Secretary, the Trustees of the Loan-Office and Clerks of the Courts of Common-Pleas, during their continuance in Office, and all Persons concerned in any Army or Navy Contracts, shall be ineligible to either House of Assembly; and any Member of either House accepting of any other of the Offices herein before mentioned (excepting the Office of a Justice of the Peace) shall have his Seat thereby vacated, and a new Election shall be ordered.

19. THE Legislative Council and Assembly shall have the Power of making the Great-Seal of this State, which shall be kept by the President, or in his Absence by the Vice-President, to be used by them as Occasion may require. It shall be called, The Great-Seal of the Delaware State, and shall be affixed to all Laws and Commissions.

20. COMMISSIONS shall run in the Name of THE DELAWARE STATE, and bear Test by the President, Writs shall run in the same Manner, and bear Test in the Name of the Chief-Justice or Justice first named in the Commissions for the several Courts, and be sealed with the Public Seals of such Courts. Indictments shall conclude, against the peace and Dignity of the State.

21. IN Case of Vacancy of the Offices above directed to be filled by the President and General Assembly, the President and Privy-Council may appoint others in their Stead until there shall be a new Election.

22. EVERY Person, who shall be chosen a Member of either House, or appointed to any Office or Place of Trust, before taking his Seat, or entering upon the Execution of his Office, shall take the following Oath, or Affirmation if conscientiously scrupulous of taking an Oath, to wit.

"I A. B. will bear true Allegiance to the Delaware State, submit to its Constitution and Laws, and do no Act wittingly whereby the Freedom thereof may be prejudiced."

And also make and subscribe the following Declaration, to wit.
 "I A. B. do profess Faith in God the Father, and in Jesus Christ his only Son, and in the Holy Ghost, one God blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by divine Inspiration."

And all Officers shall also take an Oath of Office.

23. THE President when he is out of Office and within eighteen Months after, and all others, offending against the State either by Mal-Administration, Corruption or other Means, by which the Safety of the Commonwealth may be endangered, within eighteen Months after the Offence committed, shall be impeachable by the House of Assembly before the Legislative Council; Such Impeachment to be prosecuted by the Attorney-General or such other Persons or Persons as the House of Assembly may appoint, according to the Laws of the Land. If found Guilty, he or they shall be either forever disabled to hold any Office under Government, or removed from Office pro-tempore, or subjected to such Pains and Penalties as the Laws shall direct. And all Officers shall be removed on Conviction of Misbehaviour at Common Law or on Impeachment, or upon the Address of the General Assembly.

24. ALL Acts of Assembly in Force in this State on the fifteenth Day of May last (and not hereby altered, or contrary to the Resolutions of Congress, or of the late House of Assembly of this State) shall so continue until altered or repealed by the Legislature of this State, unless where they are temporary, in which Case they shall expire at the Time respectively limited for their Duration.

25. THE Common Law of England, as well as so much of the Statute Law as have been heretofore adopted in Practice in this State, shall remain in force, unless they shall be altered by future Law of the Legislature; such Parts only excepted as are repugnant to the Rights and Privileges contained in this Constitution and the Declaration of Rights, &c. agreed to by this Convention.

26. No Person hereafter imported into this State from Africa ought to be held in Slavery under any Pretence whatever, and no Negro, Indian or Mulatto Slave, ought to be brought into this State for Sale from any part of the World.

27. THE first Election for the General Assembly of this State shall be held on the twenty-first Day of October next, at the Court Houses in the several Counties, in the Manner heretofore used in the Election of the Assembly, except as to the Choice of Inspectors and Assessors, where Assessors have not been chosen on the sixteenth Day of September instant, which shall be made on the Morning of the Day of Election by the Electors, Inhabitants of the respective Hundreds in each County;—At which Time the Sheriffs and Coroners for the said Counties respectively are to be elected: And the present Sheriffs of the Counties of New-Castle and Kert may be re-chosen to that Office until the first Day of October in the Year of our Lord One Thousand Seven Hundred and Seventy-nine, and the present Sheriff for the County of Sussex may be re-chosen to that Office until the first Day of October in the Year of our Lord One Thousand Seven Hundred and Seventy-eight, provided the Freemen think proper to re-elect them at every general Election; and the present Sheriffs and Coroners respectively shall continue to exercise their Offices as heretofore until the Sheriffs and Coroners to be elected on the said twenty-first Day of October shall be commissioned and sworn into Office. The Members of the Legislative Council and Assembly shall meet for transacting the Business of the State on the twenty-eighth Day of October next, and

continue in Office until the first Day of October which will be in the Year One Thousand Seven Hundred and Seventy-seven; on which Day, and on the first Day of October in each Year forever after, the Legislative Council, Assembly, Sheriffs and Coroners, shall be chosen by Ballot in Manner directed by the several Laws of this State for regulating Elections of Members of Assembly and Sheriffs and Coroners; and the General Assembly shall meet on the twentieth Day of the same Month for the transacting the Business of the State; and if any of the said first and twentieth Days of October should be Sunday, then and in such Case the Elections shall be held and the General Assembly meet the next Day following.

28. To prevent any Violence or Force being used at the said Elections, no Persons shall come armed to any of them; and no Muster of the Militia shall be made on that Day, nor shall any Battalion or Company give in their Votes immediately succeeding each other, if any other Voter who offers to vote objects thereto, nor shall any Battalion or Company in the Pay of the Continent, or of this or any other State, be suffered to remain at the Time and Place of holding the said Elections, nor within one Mile of the said Places respectively for twenty-four Hours before the opening said Elections, nor within twenty-four Hours after the same are closed, so as in any Manner to impede the freely and conveniently carrying on the said Election: Provided always, that every Elector may in a peaceable and orderly Manner give in his Vote on the said Day of Election.

29. THERE shall be no Establishment of any one Religious Sect in this State in Preference to another; and no Clergyman or Preacher of the Gospel of any Denomination shall be capable of holding any Civil Office in this State, or of being a Member of either of the Branches of the Legislature while they continue in the Exercise of the Pastoral Function.

30. No Article of the Declaration of Rights and Fundamental Rules of this State, agreed to by this Convention, nor the first, second, fifth (except that Part thereof that relates to the Right of Suffrage) twenty-sixth and twenty-ninth Articles of this Constitution, ought ever to be violated on any Pretence whatever. No other Part of this Constitution shall be altered, changed or diminished, without the Consent of five Parts in

Seven of the Assembly, and seven Members of the Legislative Council.

Convention adjourned till 3 o'Clock.

Eodem Die, P. M.

The Convention met.

Upon Motion,

The Proceedings of the late House of Assembly upon the Report of the Committee sent into Kent and Sussex, to enquire into the Cause of the Controversies subsisting among divers of the Inhabitants there, particularly into the Cause of the Insurrection in Sussex, and also the Writing subscribed by the Direction of the said Committee, being read, which is as follows, to wit;

"Sussex County, on WE the Subscribers do declare that we are
 "Delaware: heartily sorry for having been concerned
 "in an Insurrection in this County begun on the 10th of this
 "Instant June, 1776, now being convinced that it was an open
 "Violation of the Rules and Regulations of the Honourable Con-
 "tinental Congress, and the Assembly of this Government, made
 "in Support of American Liberty. We do sincerely promise,
 "that for the future we will use our utmost Endeavour to sup-
 "port and enforce the Resolutions of those Honourable Bodies.

John Ingram,
 Charles Waller,
 Joseph Cannon,
 John Wootton,
 John Parker,
 George Smith,
 Peter Dolbee,
 William Johnson,
 Ebenezer Hearne,
 John W. Dean,
 Elisha Long,
 Andrew Simpler,
 Nehemiah Cary,
 Burton Prittyman,
 Edward Cary,
 Luke Watson,
 Baker Johnson,

Zadoc Truitt,
 Pemberton Carlile,
 Boaz Truitt,
 James Hayman,
 Stephen Townsend,
 Thomas Cary,
 John Griffith,
 Nathaniel Hays,
 Luke Townsend,
 Job Townsend,
 Painter Stockly,
 Michale Overlin,
 Jesse Griffith,
 William Ross, jun.
 William Ross,
 Peter Rea,
 Thomas Milikin,

Dormon Lafland,
 Eli Parker,
 Thomas Evans,
 Benjamin Fruitt, jun.
 Robert Laws,
 George Williams,
 Paris Griffith,

Zachariah Jones,
 George Prettyman,
 William Gozlin,
 Ebenezer Jones,
 John Laws,
 Anthony Heavelo,
 James Heavelo."

And the Convention being informed that the aforesaid Subscribers have since conducted themselves in an orderly and peaceable Manner,

Resolved,

That it is the Opinion of this Convention, that they be again restored to the Favour of their Country, and that their Arms be re-delivered to them, and that such of them as were Officers in the Militia, and were suspended, be permitted to resume their former Commands.

On Motion, By Order,

The Report of the Committee appointed to devise Ways and Means for raising and forming a Battalion of the Militia of this State to reinforce the Army of the United States of America, was read a Second Time, and deferred until To-Morrow for further consideration.

On Motion, By Order,

That Mr. Lea, Mr. Bassett, and Mr. Moore, be a committee to take into Consideration the State of the public Powder in the Borough of Wilmington, and also the Magazine erecting there, and report their Opinion thereon.

Convention adjourned 'till To-Morrow Morning 9 o'Clock.

Saturday, A. M. September 21, 1776.

The Convention met—Present all the Members except Messrs. Cantwell, Ridgely, Cook, Clarke, White, Bradley, Horsey, Hubbert, and Kollock.

The Committee appointed to take into Consideration the State of the public Powder in the Borough of Wilmington, and also the Magazine erecting there, and report their Opinion thereon, brought in the same, which by Order was read the first time,

On Motion, by special Order,

The same was read the second Time, and thereupon

Resolved,

That the Magazine at the Fort on Christiana River, in the Borough of Wilmington, be finished under the Direction of Captain Peter Jaquet, and that a Sum not exceeding Twenty-Pounds may be expended for this Purpose; and that the public Powder and other Military Stores now in the said Borough be placed and kept in that Magazine when finished, until otherwise directed by the Council of Safety for New-castle County, or the Commanding Officer of the Militia there.

Resolved,

That the said Fort be put under the Command and Care of a Fort-Major, two Sergeants and twelve Privates, to be immediately raised, paid and supported at the Expence of this State until discharged by the future Legislature thereof.

That the Pay of the said Troops per Kalendar Month be as follows.

Fort-Major Eighteen Dollars.

Each Sergeant Eight Dollars.

Every Private Five Dollars.

That in Lieu of Rations each Person be allowed One Dollar per Week for his Subsistence, and the Commanding Officer to have double that Sum.

Resolved,

That the Fort-Major be commissioned by the President of this Convention, and that he forthwith inlist the Number of Persons above mentioned, who from the Time of Inlistment, shall receive the Pay and Subsistence aforesaid.

Resolved,

That Charles West, of the Borough of Wilmington, Gentleman, be appointed Fort-Major.

The House resumed the Consideration of the Report of the Committee for raising and forming a Battalion of the Militia of this State, to reinforce the Army of the United States of America, and thereupon

Resolved,

1. THAT A Battalion of the Militia of this State be forthwith equipped to reinforce the Army of the United States of America, and to remain in Service until the last Day of December next unless sooner discharged.

2. THAT the said Battalion consist of eight Companies, and be commanded by a Colonel, Lieutenant-Colonel and Major, eight Captains, eight Lieutenants and eight Ensigns:—That each Company consist of two Sergeants, two Corporals, a Drummer, a Fifer and Fifty Privates:—That the Staff be as usual, to wit, a Chaplain, a Surgeon, an Adjutant, Quarter-Master and Surgeon's Mate.

3. THAT three Companies be raised in the County of Newcastle, three in the County of Kent, and two in the County of Sussex; And all non-commissioned Officers and Privates, who shall enroll themselves in any of the said Companies on or before the twelfth Day of October next shall receive a Bounty of Thirty Shillings, and Fifty Shilling in advance and shall equip themselves each with a Blanket, Haversack and Knapsack:—That each Man who has not Arms of his own be furnished with Arms and Accoutrements out of the Battalion to which he belongs, which shall be appraised and borrowed, or paid for, at the Election of the Owner, by this State, at the first Meeting of the Legislature: Any Person borrowing Arms, who does not return them in good Order at the End of the Campaign, shall be obliged to pay the appraised Value thereof.

4. THAT if any Company of Militia shall offer themselves, they shall be allowed to go into the Service under their present Officers; or if the present Officers of any Company with a considerable Number of their Company offer to go, and shall be able to fill up the Number by Enrollment of others, such Company may march under such Officers. Provided always, that if more than eight Companies offer themselves, the eight who are first compleated shall have the Preference; and all those who are filled before the aforesaid Twelfth Day of October next shall receive the above Bounty and Advance.

5. THAT the Field-Officers and Staff-Officers be appointed by the Convention, and that if a sufficient Number of Captains and Subalterns do not offer themselves with their Companies, and send their Names to the Colonel, on or before the sixteenth day of October next, then and in such Case, that Branch of the Council of Safety nominated by the late House of Assembly, or a Majority of them that shall be in each County, may appoint such Officers for the Companies, to be raised in each County respectively.

6. THAT each Company shall enter into Pay from the Day they march to such Place of Rendezvous as the Congress or the Delegates for this State shall direct, and from that Time be subject to the same Rules and Regulations, and continue to receive the same Pay and Rations with the other Troops in the Continental Army, until they return to their respective Homes.

7. THAT seventy-five Camp-Kettles and four hundred and fifty Canteens be furnished for said Battalion by this State; to be returned at the end of the Campaign to the Quarter-Master of the Battalion for the Use of the State, or otherwise the prime Cost thereof to be deducted out of the Pay of any non-commissioned Officer or Private who shall not return the same, and the Money to be retained for the Use of the Public.

8. THAT the Convention borrow Fifteen Hundred Pounds of the Monies to be emitted on Loan from the Trustee of the Loan-Office for the County of Kent, and appoint a Person to pay thereout the Bounties and other Contingent Charges for this Battalion, and that the said Fifteen Hundred Pounds be replaced by the next Legislature.

9. THAT Thomas Collins, Esq.; Military Treasurer for the County of Kent, be appointed to receive the said Fifteen Hundred Pounds for the Purposes in the last Resolution mentioned, subject to the Draughts from Time to Time of Colonel West, who is to render an Account therefor.

10. THAT it be recommended to the commanding Officers of the respective Battalions in this Government, and also to the respective Committees of Inspection, to be aiding and assisting in the raising of the Battalion directed to be raised as aforesaid.

11. THAT Samuel West be appointed Colonel, George Latimer Lieutenant-Colonel and Benjamin Caton Major, Lewis Howel Surgeon, Benjamin Crooks Adjutant, and James Thompson Quarter-Master.

12. THAT Commissions for the several Officers in the said Battalion be signed by the President by Order of the Convention. INSTRUCTIONS to the Officers for raising the Companies that are to form the Second Delaware Battalion intended to reinforce the Army of the United States of America.

1. YOU are to inlist no Man who is not able-bodied, healthy and a good Marcher.

2. YOU are to take especial Care that those you enlist have Arms fit for service, with Bayonets, Cartouch Boxes, Haversacks, Knapsacks and Blankets, that they may be ready to March upon the first Notice from the Commanding Officer of the Battalion to the general Rendezvous.

3. THAT the Form of the Indistment be in the following Words.

I _____ have this Day voluntarily enlisted myself as a Soldier in the Second Delaware Battalion, ordered by Convention, in pursuance of a Resolution from Congress, to be raised to reinforce the Army of the United States of America, to continue in such Battalion until the last Day of December next unless sooner discharged. And I do bind myself to conform in all Instances to such Rules and Regulations as are or shall be established for the Government of the Army.

4. YOU are to inform those that you shall so enlist, that they will receive Continental Pay of Six Dollars and Two-Thirds per Month, to commence from the Day of their Marching, and that they will be allowed One Penny per Mile in Lieu of Rations for Travelling Expenses and one Day's Pay for every twenty Miles between Home and the general Rendezvous, going and returning. That their Rations will be the same of the Continental Troops, and that Camp-Kettles and Canteens will be provided for them at the Expence of this State, to be delivered up at the Expiration of the Service to the Quarter-Master of the Battalion.

Adjourned till 3 o'Clock.

Eodem Die, P. M.

The Convention met.

The Committee appointed to receive the Proposals of Duncan Beard for erecting a Gun-Lock Manufactory in this State, and to Report the same and their Opinion thereon, brought in their Report, which by Order was read the first Time.

On Motion, by special Order,

The same was read the second Time, and agreed to by the House, and follows in these Words, to wit.

THAT they had a Conference with Duncan Beard, respecting the Premises, and came to an Agreement, if approved of by the Convention, that all the Gun-Locks made by him (finished in the Manner of two delivered by him to the Committee as a Sample, and which they have now ready to produce) should be conveyed

to such Persons as the Convention should nominate, to determine the Quality and Goodness thereof, and that he should make no other Gun-Locks for any Person or Persons whatsoever; and that the Persons to be nominated by the Convention for that Purpose, should pay to him Twenty-two Shillings and Six-pence for every such Gun-Lock delivered on or before the first Day of January next.

Resolved,

That John Jones and Richard Cantwell, Esquires be appointed for the Purposes aforesaid.

It appearing to this Convention, that Captain Jonathan Robinson of Wilmington, had paid by Order of the President to Captain George Latimer the Sum of Two Hundred and Twenty-two Pounds Two shillings and Four-pence, Residue of his Account as allowed on Thursday the 12th instant; and also the Sum of Forty-four Pounds and One Penny to Captain Peter Jaquet, for the Amount of his Account allowed on the said Day; and that he hath paid into the Hands of the President Thirty-three Pounds Seventeen Shillings and Seven-pence, for the Use of this State, amounting in the Whole to Three Hundred Pounds, lawful Money of this State;

Resolved,

That this State be chargeable with, and the same is hereby charged with the said Three Hundred Pounds, to be paid to the said Jonathan Robinson, his Executors, Administrators or Assigns, with Interest at the Rate of Five per-cent per Annum from the sixteenth Day of September instant, until the same be repaid,

It appearing to the House, that Doctor Nicholas Way of Wilmington on the fourteenth day of September, instant, had paid into the Hands of the President, the Sum of One Hundred Pounds, lawful Money, for the Use of this State.

Resolved,

That this State be chargeable with, and the same is hereby charged with the said One Hundred Pounds, to be paid to the said Nicholas Way, his Executors, Administrators or Assigns, with Interest at the Rate of Five per-cent per Annum from the fourteenth Day of September instant, until the same be repaid.

It appearing also, that Simon Johnson of Wilmington, on the fourteenth Day of September, instant, had paid into the

Hands of the President, the Sum of One Hundred Pounds lawful Money, for the Use of this State;

Resolved,

That this State be chargeable with, and the same is hereby charged with the said One Hundred Pounds, to be paid to the said Simon Johnson, his Executors, Administrators or Assigns, with interest at the Rate of Five per cent per Annum from the fourteenth Day of September, instant, until the same be repaid.

Resolved,

That Jonathan Rumford, First Lieutenant in the Independent Company of this State commanded by Captain George Latimer, and added to the Battalion commanded by Colonel Samuel Patterson, of the Flying-Camp, be Captain of the said Company in the Stead of the said George Latimer, now promoted, and that John Rhoads, Second Lieutenant in said Company, be First Lieutenant, and that Daniel Powel Cox, Ensign in said Company, be Second Lieutenant thereof, and that James Wells be appointed Ensign in said Company, and that the President issue Commissions accordingly; which said Officers respectively shall take Rank in said Battalion according to the Dates of their Commissions.

Resolved,

That the Sheriffs of the respective Counties in this State do give Notice by Advertisements, to be set up in the most public Place in each Hundred of their several Counties, of the Day fixed by this Convention for the ensuing Election of Counsellors, Assembly-Men, Sheriffs, Coroners, Assessors, and Inspector.

The Convention took into Consideration the Expenses of their Sessions and thereupon

Resolved,

| | | | |
|--|------|---|----|
| THAT there be paid to the Representatives for New-Castle County for personal Expences by them incurred (to wit, ten Members) | £115 | 6 | 3 |
| TO the Representatives of Kent County for Ditto, (to wit, nine Members) | 110 | 2 | 8 |
| TO the Representatives for Sussex County for Ditto, (to wit, eight Members) | 101 | 9 | 10 |
| TO James Booth, Clerk of the Convention, for 26 Days Attendance, &c. | 15 | 9 | 6 |
| TO John Booth, Doorkeeper, for 26 Days Attendance, at 5s. and for Candles, &c. | 7 | 6 | 6 |

£352 14 9

Resolved,

That the President pay Two Hundred and Thirty-three Pounds Seventeen Shillings and Seven-pence, the Ballance of the several Loans to this State from Jonathan Robinson, Nicholas Way and Simon Johnson; remaining in his Hands, towards the above Expences.

Resolved,

That the Ballance of said Expences, to wit, One hundred and Eighteen Pounds Seventeen Shillings and Two-pence, be paid to James Sykes, Esq.; by a Draught to be drawn by the President upon Colonel Thomas Collins, Military Treasurer for Kent County, out of the Fifteen Hundred Pounds ordered to be paid to him by the Trustee of the Loan-Office for Kent County by a Resolution of this Convention, and drawn for by their Order by the President.

Resolved,

That nine Hundred Copies of the Names of the Members of this Convention, the Oath and Declaration made and subscribed by them, the Declaration of Rights and Fundamental Rules, and of the Constitution or System of Government for the Delaware State, be forthwith printed under the Direction of the President; and also two hundred Copies of the whole Proceedings of this Convention—To be distributed equally amongst the Members for said Counties.

Then the Convention dissolved themselves.

BY VIRTUE OF AN ORDER OF THE CONVENTION FOR
THE DELAWARE STATE, I DO APPOINT JAMES
ADAMS TO PRINT THESE PROCEEDINGS.

GEORGE READ, President.